

# **PART 1**

## **Title, Purpose, and Interpretation**

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### **SECTION 101. TITLE**

This Chapter shall be known and cited as the “Cecil Township Unified Development Ordinance.”

### **SECTION 102. AUTHORITY**

This Chapter is adopted pursuant to authority of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, and the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended. Whenever any provision of this Chapter refers to or cites a section of the above Acts and that section is later amended or superseded, this Chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### **SECTION 103. COMMUNITY DEVELOPMENT OBJECTIVES**

This Chapter is adopted to promote an orderly plan of development according to an established Comprehensive Plan, including data on existing conditions, statements concerning the proposed plan, and evaluation of implementation techniques. Such material shall be considered legislative history and shall be utilized when necessary to establish policy in the interpretation of this Chapter. It is the purpose of these regulations to prescribe certain common restrictions applicable within each zoning district throughout the municipality. The zoning regulations and districts set forth in this Chapter are created in accordance with the Land Use Plan Goals and Objectives contained in the Comprehensive Plan of the Township. Those Land Use Plan Goals and Objectives constitute, along with the following, the Township’s Statement of Community Development Objectives.

- A.** Protect and promote the public health, safety, and general welfare.
- B.** Guide future growth and development in accordance with Comprehensive Plan policies.
- C.** Secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; prevent undue concentration of population; prevent congestion in the public ways.
- D.** Provide for adequate transportation, pedestrian movement, water, sewerage, schools, parks, and other public improvements in the Township.
- E.** Restrict development in areas prone to flooding.
- F.** Restrict the kind and intensity of uses, and encourage the elimination of non-conforming uses of land and structures.

- G.** Provide for performance standards for the emission of noise, gases, heat, vibration, or particulate matter into the air or ground or across lot lines.
- H.** Protect and conserve the value of land, building, and other improvements upon the land, and minimize the conflicts among the uses of land and buildings.
- I.** Protect the character and social and economic stability of the Township and encourage the orderly and beneficial development of the Township.
- J.** Establish reasonable standards of design and procedures for subdivision and land development, in order to further the orderly layout and use of land, and ensure proper legal descriptions, documentation and monumentation of subdivided land.
- K.** Ensure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions or land development.
- L.** Prevent the pollution of air and watercourses; ensure the adequacy of drainage facilities; safeguard the water table; and encourage the wise use and management of natural resources in order to preserve the community and value of the land.
- M.** Preserve the natural beauty and topography of the Township and ensure appropriate development with regard to these natural features.
- N.** Provide for open space through efficient design and layout of the land.
- O.** Promote cooperation with neighboring municipalities, where subdivision of land affects properties adjacent to the Township boundary, for the uniform benefit and protection of all affected properties.
- P.** Administer these regulations by defining the powers and duties of administrative bodies and officials, and the manner and form of making, filing, and processing of applications.

This section shall be considered, together with all the provisions of this Chapter, when appraising the “spirit of the ordinance” as a guide to its interpretation. Nothing herein shall be interpreted as providing limitations on specific controls delineated in subsequent sections of this Chapter.

#### **SECTION 104. RELATIONSHIP TO COMPREHENSIVE PLAN**

It is the intent of the Board of Supervisors that this Chapter implement the planning policies adopted by the Board for the Township, as reflected in the Comprehensive Plan and other planning documents. While the Board reaffirms its commitment that this Chapter and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this Chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

#### **SECTION 105. INTERPRETATION**

##### **A. Provisions of Chapter Declared to be Minimum Standards**

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Where any provision of this Chapter imposes restrictions different from those imposed

by any other provision of this Chapter or any other ordinance, rule, regulation, or provision of law, whichever provisions are more restrictive or impose higher standards shall control.

**B. Conflict with Private Provisions**

This Chapter is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose more restrictive duties and obligations, or higher standards than the requirements of these regulations or the determination of the Board of Supervisors in approving a subdivision or in enforcing this Chapter, and such private provisions are not inconsistent with this Chapter or determination thereunder, such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

**SECTION 106. ESTABLISHMENT OF CONTROLS**

**A. New Uses and Structures**

In all districts, after the effective date of this Chapter, any new building or other structure on any tract of land shall be constructed and used only in accordance with the applicable regulations specified herein.

**B. Existing Uses and Structures**

In all districts, after the effective date of this Chapter, any existing building, structure, use, or tract of land, legal prior to the adoption of this Chapter, and not in conformity with the regulations for the district in which it is located, shall be deemed non-conforming and subject to regulations for non-conforming buildings, structures, uses, and land. A situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning and subdivision ordinances does not achieve lawful nonconforming status under this Chapter merely by repeal of the Zoning Ordinance and Subdivision and Land Development Ordinance.

**C. Effect of Date of Adoption on Newly Issued Permits**

All buildings for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the effective date of this Chapter, may be completed and used in accordance with the plans on which said permit was granted. All permits for structures or uses issued prior to the adoption of this Chapter, if such construction or use does not conform to the provisions of this Chapter, are declared void ninety (90) days from the effective date of this Chapter unless:

1. Start of construction, as defined by this Chapter, shall have been commenced or use implemented; or
2. Written contracts have been entered into pursuant to said permit by which substantial legal rights have accrued.

**D. Uses Permitted**

Any use that is not specifically permitted in a district is prohibited in that district. No land or building shall be devoted to any use other than those listed as permitted uses in the zoning district in which the land or building is located, except for uses lawfully established prior to the effective date of this Chapter, Conditional Uses as approved by the Board of Supervisors, and

uses approved by the Zoning Hearing Board, subject to any special restrictions and conditions specified in this Chapter or by the respective Boards.

**E. Fees**

Every application filed pursuant to the provisions of this Chapter shall be subject to an application fee as established by the Board of Supervisors, who shall determine a schedule of fees, charges, and expenses by resolution, and shall determine a collection procedure for special permits, variances, amendments and other matters pertaining to this Chapter. Said schedule of fees shall be posted in the office of the Zoning Officer. The Board shall be empowered to re-evaluate the fee schedule and make necessary alterations. Such alterations shall not be considered an amendment to this Chapter, and may be adopted at any public meeting of the Board of Supervisors. All such fees, payable to "Cecil Township Supervisors," shall be paid into the Township treasury, and no application shall be accepted or acted upon unless the Township receives payment. The owner of the property subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of the fee. The failure to fully pay any such fee or required deposit when due shall be grounds for refusing to process an application and for denying and revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or required deposit relates.

**SECTION 107. SEVERABILITY**

The provisions of this Chapter are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts, or provisions of this Chapter. It is hereby declared to be the intent of the Board of Supervisors that this Chapter would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

**SECTION 108. REPEALS, EFFECTIVE DATE**

All previously enacted Zoning Ordinances and Subdivision and Land Development Ordinances of the Township are hereby repealed. This Ordinance #\_\_\_\_\_, shall become effective on \_\_\_\_\_, 20\_\_\_\_. Passed by the Board of Supervisors of the Township of Cecil, Washington County, Pennsylvania on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Thomas A. Casciola, Chairman

Attest:

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Sandra Novelli, Secretary